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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM LEXINGTON COUNTY

James O. Spence, Master In Equity

Appellate Case No. 2022-000009

PLEASANT SPRING A.M.E. CHURCH AND AFRICAN METHODIST EPISCOPAL CHURCH,
INC.,

RESPONDENTS,

v.

PLEASANT SPRING CHURCH, JOHN N. CORLEY, JR., NORMA MACKIE, AND CHRIS NELLUMS, THE ESTATE OF ELLA SHULER, THE ESTATE OF MARY E. DAVIS, THE ESTATE OF RICHARD CORLEY, THE ESTATE OF WILLIE CORLEY, THE ESTATE OF THOMAS CORLEY, THE ESTATE OF PAUL CORLEY, THE ESTATE OF MARIAH ADDIE, THE ESTATE OF ANDREW CORLEY, THE ESTATE OF JOHN N. CORLEY, AND IF ANY OF THE INDIVIDUALLY NAMED PERSONS ARE DECEASED, THEN THEIR HEIRS OR DEVISEES AT LAW, AND ANY AND ALL OTHER PERSONS UNKNOWN CLAIMING ANY RIGHT, TITLE, ESTATE, INTEREST IN OR LIEN UPON THE REAL PROPERTY DESCRIBED HEREIN DESIGNATED AS A CLASS AS JOHN DOE AND JANE DOE; OF WHOM;

PLEASANT SPRING CHURCH, JOHN N. CORLEY, JR., NORMA MACKIE, AND CHRIS NELLUMS, ARE

APPELLANTS,

INITIAL BRIEF OF APPELLANTS

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STATEMENT OF ISSUES ON APPEAL

I. WHETHER THE MASTER IN EQUITY ERRED IN FAILING TO FIND THAT PLEASANT SPRING CHURCH, WITHOUT REGARD TO ITS AFFILIATION TO OR DISAFFILIATION FROM THE A.M.E DENOMINATION, IS RIGHTFUL AND EXCLUSIVE OWNER OF ALL CHURCH PROPERTY IN DISPUTE AND, THUS, IS ENTITLED TO EXCLUSIVE USE AND POSSESSION OF THE PROPERTY.

A. The Master in Equity Erred in Failing to find the 1873 Fatally vague and ambiguous, and thus legally incapable of conveying legal title to Sanctuary Property

B. The Master in Equity Erred in failing to find all disputed property is properly titled to Pleasant Spring Church under all applicable legal theories.

II. THE MASTER IN EQUITY ERRED IN DETERMINING THE LEGAL EFFECT OF THE 1971 AND 2014 DISAFFILIATIONS FROM THE AME DENOMINATIONS.

STATEMENT OF THE CASE

The parties tried this contested quiet title action on June 1-3, 2021 in Lexington County before the Master-in-Equity, the Honorable James O. Spence. Both parties claimed ownership of the sanctuary, church buildings, and real property located on three (3) parcels of land based upon both recorded title and course of conduct theories. By order dated October 29, 2021, the Master in Equity found, inter alia, that the property at issue was properly titled to Pleasant Spring AME Church, that the local church remained a part of the AME denomination despite efforts of the its membership to disaffiliate as a church body from the AME denomination, and ordered that certain deeds granting land to ‘Pleasant Spring Church’ should be reformed to reflect “Pleasant Spring AME Church” as grantee. Appellants timely filed a Motion to Reconsider based on Rule 59(e), SCRPC, which motion was denied with clarification as to certain aspects of the Order involving the effect, or lack thereof, of

the findings contained in the order on the status of individual church memberships. This appeal followed.

PROCEDURAL HISTORY/FACTUAL BACKGROUND

Respondents originally filed this action on May 1, 2014, seeking a declaratory judgment that Pleasant Spring A.M.E. Church was the legal and beneficial owner of the church property.

Respondents also sought injunctive relief, seeking to restrain the Appellants from use of the subject property to prevent Appellants from allegedly interfering, obstructing, and disturbing Respondent Pleasant Spring A.M.E. Church's worship services. The trial court entered a Temporary Injunction against Appellants on May 22, 2014. On June 2, 2014, Appellants answered and counterclaimed, seeking injunctive relief and a declaratory judgment from the Court alleging that Appellant, Pleasant Spring Church, having disaffiliated with the A.M.E. denomination by a majority vote of the congregation and being in possession of legal title to the property via recorded deeds, is the rightful owner of the church property to the exclusion of the national A.M.E. Church.

On June 28, 2019, Respondents filed a Second Amended Complaint seeking to quiet title to the subject property and reform the deeds which did not include the full name Pleasant Spring A.M.E Church as the grantee. Additionally, Respondents added as Defendants the estates of various persons purporting to have an ownership interest in the property. The Court appointed Elnora J. Dean, Esquire, to serve as Guardian ad Litem to represent the unknown Defendants.

The parties tried the issues before the Court on June 1-3, 2021. Respondents called the following six (6) witnesses to testify: Shirley Martin, a long-standing member of Pleasant Spring A.M.E. Church, Elder Rosalyn Coleman, an official in the A.M.E. Church, John N. Corley, Jr., a long-standing member of Pleasant Spring Church and heir to Henry H. Corley, Heather Cairns, Esquire, Walte

Savage, an officer of Pleasant Spring A.M.E. Church, and Reverend Marion F. Reeves, Sr, Pastor of Pleasant Spring A.M.E. Church. Attorney Cairns was qualified to testify as an expert witness without objection. The Appellants called the following six (6) witnesses to testify: Norma Mackey, a life-long member and of Pleasant Spring Church, Tonneillis Hiller, a life-long member of Pleasant Spring Church, Brenda Eichelberger, a life-long member of Pleasant Spring Church, Patricia Corley, a long-standing member of Pleasant Spring Church, Darlene Rikard, a life-long member of Pleasant Spring Church and John N. Corley, Jr., a life-long member of Pleasant Spring Church. At the trial, there were no other persons, beyond the named parties, seeking to assert any interest in the church property.

I. FACTUAL BACKGROUND

This case involves a schism between members of a local congregation. Pleasant Spring African Methodist Episcopal Church was established in or around 1869. At its inception, the church was a connectional member of the national African Methodist Episcopal Church (“the national A.M.E. Church”). The congregation originally held services in a “brush/bush/hush arbor.”¹ The earliest available record of a church building on the current property dates back to 1914 as shown on the church cornerstone.

The schism occurred in May of 2014. As more detailed below, certain

¹ A makeshift shelter, usually constructed from brushwood, used during antebellum America as a place where slaves could gather in secrete to practice religious traditions. Cornelius, Janet Duitsman (1999-01-01). [*Slave Missions and the Black Church in the Antebellum South*](#). Univ of South Carolina Press. [ISBN 9781570032479](#).

members of Pleasant Spring A.M.E. Church were dissatisfied with the financial requirements of and lack of financial support from the national A.M.E. Church. As a result, in April of 2014, members of the congregation held meetings to discuss and eventually vote on disaffiliation from the national A.M.E. church and denomination. A purported majority of voting members signed a petition that was forwarded to the national A.M.E. church leadership along with a letter, dated April 23, 2014, announcing that the “congregation and officers of Pleasant Spring[s] A.M.E. Church, n/k/a Pleasant Spring Church,” desired to separate from the A.M.E. denomination and declaring the right of the Pleasant Spring local church congregation to possession, use, and exclusive ownership of the church property. The letter provided that the services of the A.M.E. assigned pastor, Rev. Marion F. Reeves, were terminated. At trial, there were two (2) groups of people presented: those identifying themselves as members of Pleasant Spring A.M.E. Church and those identifying themselves as members of Pleasant Spring Church, which had formerly been known as Pleasant Spring A.M.E. Church prior to disaffiliation from the A.M.E. denomination.

II. UNDISPUTED FACTS

The following facts are undisputed and are therefore adopted as established findings of fact:

1. The subject property belongs to the local congregation exclusively, with no right, title, or interest having been vested in the A.M.E. national church via

any of the deeds at issue herein.

2. Respondents concede that neither the subject deeds, provisions of the A.M.E. Discipline, nor any other binding instrument creates or accepts a trust over or ownership interest in local church property in favor of the national A.M.E. Church.
3. The property in dispute consists of four tracts of land being described as:
 - (a) a 2.0-acre tract located at 111 Pleasant Spring Court, Columbia, South Carolina, 29212 and used for the church sanctuary (hereinafter “Sanctuary Property”);
 - (b) a .70-acre of property located directly adjacent to the Sanctuary property and containing the Church Cemetery (“Cemetery Property”);²
 - (c) a .37-acre property deeded by general warranty deed to “Pleasant Spring A.M.E. Church” on February 23, 1993, and recorded on June 22, 1993, in the Lexington County Register of Deeds at Book 2628, pages 091 through 093 (“1993 Deed”), which is an unimproved lot adjacent to the property containing the church sanctuary (“Unimproved Property”); and
 - (d) A 1.0-acre tract deeded by general warranty deed to “Pleasant Spring Church” on August 28, 2003, and recorded on August 29, 2003, in the Lexington County Register of Deeds at Book 8586, pages 334 and 335 (“2003 Deed”), which is a property that holds the church fellowship hall (“Fellowship Hall Property”).
4. The 1993 Deed conveys the Unimproved Property to “Pleasant Spring A.M.E. Church.”

² Respondents characterize the Sanctuary Property and Cemetery Property as being two separate tracts of land which were transferred in separate transactions, with one 2 acre tract containing the Church Sanctuary and one .7 acre tract containing the Church Cemetery, while Appellants assert that the 2.7-acre tract was transferred as a whole. For ease of reference and discussion herein, and not by way of an adjudication of the issue, this Order will refer to the tracts as :Sanctuary” and “Cemetery” properties.

5. The 2003 Deed identifies the grantee of the Fellowship Hall Property as “Pleasant Spring Church.”
6. From approximately 1869 until 1969, the church was a connectional member of the national A.M.E. Church.
7. From approximately 1972 until April of 2014, the church was a connectional member of the A.M.E. Church.
8. At the time of the Appellants’ efforts to disaffiliate in 2014, the church was known as Pleasant Spring A.M.E. Church and operated as an A.M.E. Church.
9. *The Doctrine and Discipline of the A.M.E. Church* (“*The Discipline*”) is the governing bylaws of local A.M.E. congregation and provides a procedure for the calling of meetings to transact business.
10. In 2014, and at all times relevant to this action, Pleasant Spring A.M.E. Church was governed by *The Discipline*.
11. *The Discipline* provides a procedure for the withdrawal of membership by an individual church member.
12. *The Discipline* is silent as to any procedure for an entire church congregation to withdraw from the A.M.E. Church.
13. Pleasant Spring A.M.E. Church conducts services and other activities as an A.M.E. Church on the subject property.
14. Following the imposition of a Temporary Restraining Order prohibiting non-A.M.E. services at Pleasant Spring, some Appellants began attending services at different locations.

III. DISPUTED FACTS

1. Conveyance of Church Sanctuary and Cemetery Property.

The parties present separate and distinct chains of title regarding the

Sanctuary and Cemetery Property. Appellants presented deeds dated December 10, 1971, purportedly transferring ownership of the property from the heirs of Henry J. Corley to the trustees of “Pleasant Spring Church.” Respondents, on the other hand, presented a deed dated December 16, 1873, which Respondents allege conveys the Sanctuary Property to what is now known as Pleasant Spring A.M.E. Church.

A. Appellants’ 1971 Deeds

Appellants 1971 Deeds purport to convey a 2.7-acre tract of land (comprising the Sanctuary and Cemetery Properties) to the “Trustees of Pleasant Spring Church” by certain heirs of Henry J. Corley.³ The 1971 Deeds are recorded in the Lexington County Register of Deeds at Book 20Z, pages 92-111. (See Trial Tr., Plfs. Exh. 7). It is undisputed that the description included in the 1971 deed references the parcel of land upon which the Church Sanctuary and Church Cemetery sit at 111 Pleasant Spring Court in Lexington County. Respondents assert, however, that there exists no deed establishing that Henry J. Corley ever owned the 2.7 acre parcel in question, such that neither he nor his heirs could have effectuated a valid transfer of legal title.

It is undisputed that Henry J. Corley owned a significant amount of property, as much as 600 acres, in Lexington County during the post civil war era. It is further undisputed that Henry J. Corley’s land holdings included acreage in the immediate vicinity of the Church Property at issue in this matter.

³ There are five (5) deeds dated December 10, 1971, signed by the following heirs of Henry J. Corley; Katie Bowman, John M. Corley, James Davis, Leroy Davis, and Clara Jackson/

In fact, it was established without contest at trial that the Church Sanctuary and Church Cemetery are surrounded on three sides by lands that were owned by Henry J. Corley during his lifetime, and that the Church property is now and was historically bounded on its fourth side by a road.

Appellants concede that there exists no deed evidencing a stand-alone transaction wherein Henry J. Corley purchased the disputed 2.7 acres of property for the specific purpose of erecting a church and cemetery. Rather, Appellants assert that Henry J. Corley acquired the disputed 2.7 acres of property as part of a larger land acquisitions that encompassed the surrounding areas. In support of this position, Appellant's note that Respondents concede that Henry J. Corley made valid purchases of the properties surrounding the disputed parcel on three sides via transfers of several acres at a time. By way of example, the record includes a deed dated March 16, 1880 wherein Henry J. Corley purchased 30 acres of real property from a Mr. Lorick. Notably, the 1880 deed granted Henry J. Corley leave to select the 30 acres of property from a 200 acre plot belonging to Lorick, provided that the 30 acres were to be adjacent to a 45 acre plot Henry J. Corley had previously purchased.

{Respondent's Exhibit 10a} The record also contains an 1883 deed from W.P Corley conveying 59 and 1/8 acres of land to Henry J. Corley. {Respondents' Exhibit 10} Numerous other deeds were submitted evidencing transfers of land from various landowners in the same area, including but not limited to a transfer of 30 acres from

George Lorick to Henry Corley, a transfer of 7.75 acres from John R. Shuler to Henry J. Corley, a transfer of an additional 37 acres from John R. Shuler to Henry J. Corley. Respondents' expert admitted that for the most part, based on the descriptions within these deeds, she could only pinpoint the locations conveyed properties to the "general area" where the disputed property is located.

Appellants note that with respect to the 2.75 acre of property Henry J. Corley donated for purposes of building a Church Sanctuary, none of the deeds offered into evidence transferring property from John R. Shuler to Henry P. Corley make any reference to a "carved out" 2-acre portion that had been previously transferred by Mr. Shuler to the A.M.E. Church. Further, Appellants argue that none of the other property transfers wherein Henry P. Corley purchased land from other landowners within the vicinity of the disputed property, including lands he purchased from John R. Shuler, excepted out a 2-acre parcel from the land being transferred.

Appellants contend that the record is void of any evidence indicating Henry J. Corley did not obtain the disputed Church property in the same transaction or series of transactions wherein he amassed undisputed legal title to all of the land surrounding the 2.75 acres of disputed property. Appellants urge that Henry P. Corley's belief that he owned the disputed property is supported by his act of specifically exempting the portion of the disputed property containing the Church cemetery, which Respondents' expert concedes belonged to Henry J. Corley, from the adjacent land that he transferred to his daughter, Mary Davis, via a 1946 deed. {R.

176-177}.

Respondents rely heavily on the designation of the disputed property as Pleasant Spring Church or Pleasant Spring A.M.E. Church property in several plats and/or property descriptions referenced by Henry J. Corley during his lifetime to support their assertion that Henry J. Corley did not consider himself the owner of the disputed property. Appellants, however, note that all of the deeds and plats referencing “Church property” were prepared after 1914, when the Church Sanctuary was constructed. Appellants argue that the post-1914 deeds and plats reference “Church property” because there was literally a church building on the 2.7 acres at the time the instruments were prepared. Appellants further assert that Henry J. Corley took special care to designate the 2.7 acre tract as Church Property because he had already dedicated the 2.7 acre portion of his property for Church purposes, as evidenced by the presence of a sanctuary having been erected on the property, and did not want any portion of the property being utilized by the Church to be confused with his adjacent properties in other land transactions. Finally, Appellants assert that an obvious explanation for reference to Church property in the subject plats and deeds was to serve as an element of property descriptions contained in the instruments at a time when a church building existed on the property.

Several witnesses, including Respondents’ own witness, Walter Savage, testified that until after this litigation was filed in 2014, it was widely understood by members of the church and the surrounding community that Henry J. Corley donated the land

upon which the first Church building was erected. Appellants also offered testimony indicating that Henry J. Corley owned and operated a sawmill and played an integral part in physically erecting the original Church Sanctuary. Mr. Savage also admitted that prior to this litigation, he was not aware of any claim that any deed other than the 1971 Deed existed which purported to transfer ownership interest in the local Church property. Reverend Reeves admitted that Respondents revised Pleasant Spring A.M.E. Church history after this litigation was commenced to provide that the land was purchased from John R. Shuler rather than donated by Henry J. Corley. {Tr, pg. 260, 295}

Respondents offered the testimony of title abstractor Heather Cairns in support of their argument that Henry J. Corley never owned the 2 acre tract of land where the Church Sanctuary is located. Ms. Cairns testified that Henry J. Corley's estate inventory simply indicated that he owned 110 acres of property at the time of his death in 1949, without further detail as to the location of the 110 acres. Ms. Cairns indicated that her efforts to determine the derivation of the Sanctuary and Cemetery Properties transferred in the 1971 Deeds revealed no recorded deed specifically transferring the Sanctuary Property to Henry J. Corley. Ms. Cairns further noted that several plats prepared surveying the lands of Henry J. Corley designate the 2.7 acres of land as "Church Property" rather than property belonging to Henry J. Corley.

Appellants John Corley, Norma Mackey, and Defense witness Darlene Rikard all identified themselves as the great-grandchildren of Henry J. Corley. They offered

testimony indicating that they are all life-long members of Pleasant Spring Church and that they, and the entire surrounding community, were always aware that their great grandfather donated the property upon which the Church Sanctuary and Cemetery are located. Evidence was also introduced through the testimony of John Corley and others, that prior to this litigation, all parties involved operated under the understanding that the 1971 Deed transferred valid title to the property for purposes of conducting the Church's business. By way of example, when the Church was involved in litigation with a land developer which specifically concerned the validity of an agreement granting an easement over a portion of the Church's property, there is no indication that any of the parties involved ever challenged the validity of the 1971 Deeds.

B. Respondents' 1873 Deed

Respondents assert that the land in question was actually conveyed to what is now known as Pleasant Springs A.M.E. Church by John R. Shuler via a deed dated December 16, 1873, and recorded at the Lexington County Register of Deeds at Book 20Z, page 92 ("1873 Deed"). (See Trial Tr., Plfs. Exh.8). In support of their position, Respondents offered the testimony of Heather Cairns who, having been qualified as an expert in title abstraction, opined that based on her search of the property records of Lexington County, the property described in the 1873 Deed is the Sanctuary Property.

Appellants, on the other hand, assert that the 1873 Deed suffers from unresolvable ambiguities that render the instrument fatally defective for purposes of conveying legal title to the disputed property. Appellants first assert that the 1873 Deed is not a legally valid instrument for purposes of conveying title to Respondents because Pleasant Spring A.M.E. Church is neither the named or intended grantee of the 1873 Deed. Moreover, Appellants argue that the legal description in the 1873 Deed is incurably vague and insurmountably ambiguous in that it is not possible to ascertain the location and/or boundaries of the property ostensibly being transferred from either the four corners of the deed or from any extrinsic evidence offered at trial.

In arguing that the 1873 Deed does not purport to convey property to Pleasant Springs A.M.E Church as grantee, Appellants refer directly to the grantor/grantee language in the 1873 Deed. A review of the Deed reveals that Pleasant Spring A.M.E. Church is neither specifically named as grantee, nor even mentioned in the 1873 Deed. Rather, pursuant to the 1873 deed, John R. Shuler as grantor conveyed a 2.0-acre parcel of land to certain named individuals “as officers of the A.M.E. Church.” While it is difficult to decipher the handwritten script used to prepare the 1873 Deed, it appears that the listed Grantees are; Poloski Corley, Silas Corley, July Houseal, July Spence, and Frank Dial “as Trustees of the A.M.E. Church.”

Appellants also deny that Respondent Present Spring A.M.E. Church is an alter ego or “a.k.a.” to “the A.M.E. Church” expressly named as grantee in the 1873 Deed. Appellants assert that this Court need look no further than the pleadings in the instant case and similar cases involving ecclesiastical entities for evidence that “the A.M.E. Church” exists on a national level separate and apart from individual local congregations, and that local congregations maintain identities separate and apart from one another. As such, Appellants assert, the grantor/grantee language in the 1873 Deed cannot be deemed to be intended for Pleasant Spring A.M.E. Church or, indeed, for a particular local congregation. Appellants argue the grantor language contained in the 1873 Deed could easily be construed to transfer ownership of the 2 acres of property conveyed therein to the National A.M.E. Church without any ownership interest inuring to any local A.M.E. congregation. Appellants also suggest that there exist no reason to doubt that the 1873 Deed was one among multiple gifts or purchases of land that were occurring contemporaneously within the general area encompassing lands owned by John R. Shuler, Henry J. Corley, and several other landowners in order to serve church-goers whose numbers may have been concentrated in far-apart locations.

Appellants next assert that Respondents presented no evidence establishing any connection between the 1873 Deed grantees and the then-newly formed Pleasant Spring A.M.E. Church, belying Respondents’ assertion that the A.M.E. Church

referenced in the 1873 Deed was Pleasant Spring A.M.E. Church. In support of this allegation, Appellants note that numerous local A.M.E. congregations saw their start in Lexington County and surrounding areas during the late 1800's following the abolishment of slavery. Witnesses for both Respondents and Appellants offered testimony that enslaved persons would often worship in "brush arbors" on various plantations. It goes without saying that any number of the "brush arbor" congregations that would eventually affiliate with the A.M.E. denomination would have had need of permanent structures for purposes of worshipping in the era following the abolition of slavery. Thus, Appellants assert, it is far from a foregone conclusion that the grantees designated in the 1873 Deed were in any way connected with Pleasant Spring.

Pointedly, Appellants assert that no reliable or competent evidence was offered indicating that any of the 1873 Deed grantees were ever officers at Pleasant Spring A.M.E. Church. Appellants specifically urge this Court to discount the revisionist history set forth in the 2015 edition of "Pleasant Spring African Methodist Church History" to the extent the document discusses the 1873 Deed and the grantees named therein. In support of their position in this regard, Appellants note that Respondents admittedly revised the Church history to include reference to the 1873 Deed only after the instant litigation was commenced.

{Reeves, Tr. 259} Respondents admitted that prior to the commencement of this

litigation, the Church History had always recognized that Henry J. Corley donated the Church property. {Reeves, Tr. 295}

Revisionist history aside, the record is devoid of any evidence indicating what, if any, relationship the 1873 Deed designated grantees might have had with Pleasant Spring A.M.E. Church. Evidence setting forth credible, undisputed Pleasant Spring A.M.E. Church history, such as the building cornerstone listing the church officers in 1914, make no mention of any of the grantees named in the 1873 Deed as having been officers, members, or even attendants at Pleasant Spring A.M.E Church.

Further, John Corley testified that none of trustees/grantees named in the 1873 Deed are buried in the Pleasant Spring Cemetery. Appellants argue that if the “A.M.E Church” referenced in 1873 Deed was actually “Pleasant Spring A.M.E. Church,” the founding Trustees almost certainly would have been offered burial plots in the Church’s Cemetery, and it would seem unlikely that none among them would have been laid to rest there.

In the absence of any evidence establishing a connection between Pleasant Spring A.M.E Church and the 1873 Deed grantees, a finding that Pleasant Spring A.M.E. Church was the intended grantee of the 1873 Deed would amount to impermissible conjecture.

In addition to not designating Respondents as grantees, the 1873 Deed is also fatally defective in that the legal description of the parcel of land ostensibly conveyed is insufficient to identify any specific parcel of property, rendering the 1873 Deed invalid for purposes of conveying property interest. The land ostensibly conveyed in the 1873 Deed is described as follows:

“All that piece or parcel of land containing two acres, lying and being on the road leading from the Bush River Road to Union Chapel Church in Fork Township Lexington County bounded on all sides by lands of the said John R. Shuler.”

Considering the vast amount of property John R. Shuler owned in Lexington County, including multiple acres of land near to and abutting “the Bush River Road,” together with an unknown number of roads leading away from Bush River Road towards the Dutch Fork Township during the relevant time period, the property description is insufficient on its face to pinpoint the location of the described property. Even assuming Respondents were able to present convincing evidence as to the location of Union Chapel Church, which was not the case at trial, Appellants argue the land description would nonetheless be insufficient without additional descriptive information. Appellants specifically note that the description lends no guidance as to the general shape or actual boundaries of the described parcel, nor are there any referenced landmarks or other indication as to how far along “the Road to Union Chapel Church” a stranger to the area would need to travel to locate the parcel.

The property description is rendered even less legally sufficient in light of Ms. Cairn’s admission that she was unable, after a Google search, to locate the “Union Chapel Church” referenced in the land description. Appellants argue Respondents’ inability to produce extrinsic evidence establishing the current or historical location of Union Chapel Church, and/or the location of the road leading to “Union Chapel Church,” reduces the useful portion of the already scant property description. Essentially, the 1873 Deed legal description, read without reference to Union Chapel Church, amounts to a nondescript 2-acre parcel of property amid John R. Shuler’s vast land holdings, situated somewhere along one of several roads branching off from Bush River Road in the general direction of the Dutch Fork Township.

The property description, already vague and ambiguous as drafted, is rendered irrevocably vague and ambiguous by the removal of Union Chapel Church as a reference point. Specifically, Appellants assert that given the limited discernable descriptive elements present the property description, there are countless locations aside from 111 Pleasant Spring Court that

would be consistent with “lying and being on the road leading from the Bush River Road.” Appellants argue that without evidence as to the location of “Union Chapel Church,” it is not possible to narrow the property description down with any degree of certainty to the exclusion of other roads in the same general area leading away from Bush River Road towards the Dutch Fork Township.

Further, Appellants note that although the land being “bounded on all sides by lands of the said John R. Shuler” is one of the very few descriptive terms contained in the 1873 Deed, Respondents presented no actual evidence that any, let alone all, of the land bordering the Church Sanctuary and Cemetery was ever owned by John R. Shuler. Appellants assert that in the place of actual proof that John R. Shuler ever owned the land surrounding the Church Property, the Respondent’s expert premised her research on the assumption that the 2 acres referenced in the 1873 Deed is the same property as where the Church Sanctuary currently stands, and then relied heavily on that assumption in concluding that John R. Shuler must have owned the surrounding property because the 1873 Deed indicates the 2 acre parcel being conveyed was, at the time of conveyance, surrounded by property belonging to John R. Shuler. {Cairns, Tr. 199-200} When questioned as to whether her research revealed tangible evidence, such as deeds or plats, indicating that John R. Shuler had ever owned the land surrounding what is now Church Property, Ms. Cairns replied that she had not endeavored to locate such evidence because she had not been charged with researching the lands of John R. Shuler. {Tr. 203-204}

Ms. Cairns admitted that by 1926 at the latest, Henry J. Corley owned the land surrounding Pleasant Spring A.M.E. Church. She further testified that Henry

J. Corley transferred legal title to a fifty-four acre tract of land encompassing the property surrounding the Church to his son, John R. Corley, by virtue of a 1926 Deed and plat. {198-199} Ms. Cairns initially volunteered that “Whether he got that specific piece from Mr. Shuler or not, I can’t – I can’t do more than just venture a guess.” {Trs. 199} However, apparently realizing she had offered testimony contrary to Respondents’ position, Ms. Cairns immediately sought to rehabilitate her testimony as follows:

Well, let me back up for a second because actually, the church property deed offered that it was bounded on all sides by Shuler land. So that would say that yes, Mr. Corley bought the parcel that he gave to his son, John, from Mr. Shuler.

Appellants argue Ms. Cairns testimony on this issue illustrates the circular reasoning Respondents’ expert employed in determining that the property described in the 1873 Deed is the same property in dispute in the instant case. According to Appellants, by employing this circular reasoning Respondents’ expert self-authored a “Catch-22”⁴ situation as opposed to arriving at an opinion based on reliable evidence resolving the ambiguities affecting the 1873 Deed. Appellants describe this evidentiary quagmire as an attempt by Respondents’ expert to prove that the 2- acre parcel described in the 1873 Deed is the same property as the property at issue in this case because the property at issue in this case is the same as the property in the 1873 Deed.

⁴ “Catch 22” *Merriam-Webster.com Dictionary* - A problematic situation for which the only solution is denied by a circumstance inherent to the problem or rule

This Court should assign limited weight, or to outright reject, the conclusions reached by Respondents' expert, particularly in light of the faulty methodology the expert used in formulating her opinions.

Appellants presented the testimony of John Corley, Jr., who testified that he has done a great deal of research on the issue of locating Union Chapel Church and, based on his research, the road described in the 1873 Deed as the "road to Union Chapel Church" is Wescott Road. Mr. Corley confirmed that one of the resources he consulted during his search for Union Chapel Church was an article from the *Irmo and the Dutch Fork Legacy* regarding the history of Union United Methodist Church. The article, which was offered into evidence without objection, detailed that the church was founded in 1857 and originally consisted of a one-room log building erected on land in the corner formed by present-day Wescott Road and Nursery Hill Road. The article indicates the church was known by at least two different names, including Kennerly Chapel or Kennerly Meeting House. The article further provides that the church was later moved to what is now Woodrow Street, after Preston C. Lorick donated 3 acres of land for the construction of a new church. Once the church was moved to Woodrow Street, its name was changed to Union Chapel Methodist Episcopal Church, South.⁵ Notably, John R. Shuler, Irvin H. Nunnamaker, John Bouknight,

⁵ Union Chapel's name was altered again in 1968 to include "United Methodist." *Irmo and the Dutch Fork Legacy*, pg 41, "Union United Methodist Church"

John Week, David Coogler, were Union Chapel church trustees at the time the second church building on Woodrow Street was erected.⁶

Referencing a map of the Bush River Road, Coldstream area, Mr. Corley testified that Wescott Road, where Union Chapel Church was originally located, is one of several roads “leading from the Bush River Road.” Mr. Corley noted that the original Union Chapel Church building on Westcott Road was located two to three miles west of Pleasant Spring Church.

Appellants take the position that Union United Methodist Church’s present day name evolved from a combination of the unofficial names the church was assigned throughout its history, among which was “Union Chapel Church.” Mr. Corley offered testimony to this end, noting that although Union Chapel Methodist Church did not officially adopt its name as such until it moved to Woodrow Street, several different historical sources he consulted indicated that the original one room church was commonly known by several unofficial names, including Kennerly Chapel, Little Chapel, and Union Chapel Church. {Tr. 536}. As well, Mr. Corley offered uncontradicted testimony that John R. Shuler was closely connected to Union Chapel Church during the time period relevant to this litigation. It would therefore stand to reason, according to Appellants, that Mr.

⁶ Appellants assert that Ms. Cairns’ testimony regarding an 1869 deed to the Methodist Episcopal Church, which Respondents believed at some point was potentially the deed to Pleasant Spring property, is actually the deed to Union Chapel’s Woodrow Street location. {Tr. 191-194} Ms. Cairns’ testimony regarding the grantees of the 1869 deed is particularly telling in this respect, those being the same individuals noted in the Irmo and the Dutch Fork Legacy article to have been trustees at Union Chapel Church.

Shuler was familiar with all of the church's unofficial names, and was referring to the original church on what is now known as Wescott Road when he indicated that the 2-acre plot conveyed in the 1873 Deed was located "on the road to Union Chapel Church." Simply put, if the "road to Union Chapel Church" John R. Shuler referenced in the 1873 Deed was indeed Wescott, then the 1873 Deed without question described a different parcel of land than the property concerned in this litigation.

2. The church affiliation from 1969-1972.

Appellants assert that from 1969 to 1972, Pleasant Spring Church severed its affiliation with the A.M.E. Church, and that the 1971 Deeds executed during the period of disaffiliation purposefully excluded any reference to the A.M.E. denomination in order to assure that the local church was vested with full title to property. Respondents deny that the alleged disaffiliation was effective to create an entity known as "Pleasant Spring Church" capable of taking title to property, and assert that if the 1971 Deed conveyed any property interest, Pleasant Spring A.M.E. Church should be deemed the grantee.

Appellants offered the testimony of Brenda Eichelberger in support of their argument that the 1971 Deeds were executed during a period of disaffiliation. Ms. Eichelberger testified that during this time, she was in college and would comehome to attend church and meetings. Ms. Eichelberger testified that during this period, the congregation voted to leave the A.M.E. Church because the A.M.E. Church refused to reassign Reverend Dixon as pastor at Pleasant Spring. In support of Ms. Eichelberger's testimony, Appellants introduced an article from *The State* Newspaper dated November 23, 1971. The State article confirms that during that time period, Pleasant Springs Church was involved in litigation with the A.M.E. National Church due to attempts to remove Pleasant Spring's appointed pastor. Ms. Eichlebege testified that during that time period, Pleasant Spring members literally locked the Church doors against the

A.M.E authorities, and that members were instructed to make any tithing checks specifically payable to Pleasant Springs Church, not Pleasant Spring A.M.E. Church. Ms Eichleburger's testimony in this respect was in line with the testimony of Appellants' other witnesses who testified to the alleged disaffiliation as well, offering accounts of the time period relayed to them by their elder relatives.

3. The circumstances surrounding the 2014 petition to separate from the A.M.E. Church.

Both Appellants and Respondents offered extensive testimony regarding the 2014 petition to separate from the A.M.E. Church. Appellants assert that Pleasant Spring Church successfully disaffiliated from the A.M.E. denomination pursuant to a majority vote among its voting members. Respondents, on the other hand, argued that the attempted disaffiliation was invalid because the Appellants did not comply with procedures set forth in the A.M.E. *Discipline* applicable to the conduct of church business.

Witnesses for Appellants all testified in a similar manner. According to Appellants, the congregation became dissatisfied at the demands for exorbitant amounts the local Church was required to pay to the national A.M.E. Church in satisfaction of its annual budget. According to Appellants, the budget amounts were exorbitantly high given the size of their congregation, and the annual payments rendered it impossible to perform maintenance work on the Church, which was at times badly in need of repair. Appellants' witnesses also testified that once the annual budget was paid, no money was left over to allow Pleasant Spring to perform services in the surrounding community.

Appellants' witnesses testified that they approached A.M.E. officials on numerous occasions in an attempt to have their concerns addressed, but their efforts were thwarted. According to Appellants, prior to holding meetings and voting on disaffiliation, officials of the

AME Church Inc., including but not limited to Pastor Marion Francis Reeves, indicated in response to inquiries about Pleasant Spring's possible disaffiliation from the AME Church, Inc., that no meeting could be held on Pleasant Spring Church grounds. In fact, both Appellants' witness Norma Mackey and Respondents' witness Walter Savage specifically recalled a conversation between Mr. Savage and a Presiding Elder in the A.M.E. Church, Elder Smith. Ms. Mackey and Mr. Savage testified that Elder Smith indicated that the topic of disaffiliation would not be discussed and that persons desiring to do so would be thrown out the church.

Appellants offered the testimony of John Corley to establish that the A.M.E Church took every opportunity to prevent Pleasant Spring Church from pursuing a course of independence from the national denomination even though the A.M.E. Church specifically indicated to members that in the event Pleasant Spring Church became involved in any litigation matter which might result in liability on the part of Pleasant Spring Church, the A.M.E. Church, Inc. would not offer any assistance to Pleasant Spring Church.

Appellants' witnesses testified consistently that leading up to the vote to disaffiliate from the A.M.E denomination, every effort was made to contact every voting member of the congregation. It is uncontested that Pleasant Spring AME Church's voting membership at the time of disaffiliation was 103. As well, it is abundantly clear from the testimony of witnesses from both the Respondents and the Appellants that every member of the congregation was well known to the witnesses at trial, with a great number of members having familial ties. Appellants' witnesses testified that contacting the members was a group effort, led by Sunday School class leaders. Appellants witnesses testified they would frequently check in with one another in an effort ensure that each member was advised about the date, time, location, and purpose of all meetings held regarding discussions of disaffiliation.

Appellant witnesses, including John Corley, Patricia Corley, Darlene Rikard,

Tonnellious Hillard, and Norma Mackey testified that every member for whom contact information was available, was contacted regarding every meeting. Although Respondent's challenged Appellants account that all voting members were contacted, Respondent's offered no evidence indicating which, if any voting members were not advised of the meetings being held on the issue of disaffiliation.

According to the affidavits and testimony of Appellants, on April 22, 2014, a meeting was held concerning disaffiliation. Witnesses for both sides testified that everyone in attendance at any of the meetings was afforded the opportunity to speak on the issue and ask any questions they might have. Of the 29 voting members who attended the April 22, 2014 meeting, 27 members present motioned to separate from affiliation with the AME Church, Inc. There is no indication that the remaining 2 members present casted votes opposing disaffiliation; rather, it appears they simply declined to exercise their right to vote on the issue.

As well, at least 70 members of Pleasant Spring A.M.E. Church signed a petition to separate, as a church body, from the AME Church, Inc. (See Membership Roll and Disaffiliation Signature Sheets.) In addition, Appellants offered testimony indicating that the majority of the members who voted to disaffiliate executed affidavits confirming their decision after this litigation was commenced.

Following the commencement of this litigation, including the issuance of an injunction against Appellants preventing them from holding any non-A.M.E. services at Pleasant Spring Church, Respondents collected several "retractions" from

Pleasant Spring members. The presented retractions were identical in nature and provided, in pertinent part, as follows:

At some point between March and April of 2014, I signed a list of names which I did not fully understand at the time and which was not fully explained to me, which is being used to indicate my support for a faction of A.M.E. Church members seeking the disassociation of the Pleasant Spring A.M.E. Church from the African Methodist Episcopal Church, Incorporated and formation of a new church.

At the time I signed the list of names, I did not know my signature would be used to force other persons out of Pleasant Springs A.M.E. Church.

Having had time to consider my actions, and having better understanding of the meaning and consequences of my signature on the list of names, it is my fully informed desire to remain a part of the Pleasant Spring A.M.E. congregation and therefore withdraw my signature from the list of names.

Evidence at trial established that these retractions were the product a campaign of misinformation designed to sow confusion and fear among church members regarding the consequences of disaffiliation from the A.M.E. denomination. As evidence that the retractors were given misinformation, Appellants point to the lack of any evidence of attempts to force any member out of Pleasant Spring Church, regardless of any stance they may have taken for or against disaffiliation.

Appellants specifically point to the testimony of Ms. Shirley Martin, the only member of the local congregation to testify for Respondents, as evidence that misinformation impacted the decisions to retract votes in favor of disaffiliation. Ms. Martin testified that she attended at least one meeting concerning possible disaffiliation from the A.M.E. denomination and that she did sign the petition. According to Ms. Martin, she retracted her vote only after she “found out what was really going on.” On cross examination, Ms. Martin explained that, regarding “what was really going on,” she was advised that by signing the petition to disaffiliate, she had agreed to physically leave Pleasant Spring Church in favor of starting a new church at a different

location. Ms. Martin testified that she did not come to believe that the petition for disaffiliation involved members having to leave Pleasant Spring Church until after litigation was commenced. Ms. Martin admitted that none of the Appellants indicated that members who voted for disaffiliation were expected to renounce their membership at Pleasant Spring, stop worshipping at the Pleasant Spring sanctuary, and become a member of an entirely new church. Ms. Martin testified that her decision to retract was not based on her desire to remain a part of the A.M.E. denomination, but rather from her desire to continue worshipping at the church where all of her deceased relatives attended and are buried, and where she had been a member for 50 years. When specifically asked whether she would want to continue worshipping at Pleasant Spring Church whether the Church was affiliated with the A.M.E. denomination or not, Ms. Martin indicated she would remain at Pleasant Spring Church in either circumstance.

Appellants offered testimony from numerous witnesses indicating that it was never the intent of the members who voted for disaffiliation to either renounce their own memberships at Pleasant Spring Church or to divest anyone who did not vote for disaffiliation of their status as members. Appellants also denied any intent to start a new local church separate and apart from Pleasant Spring A.M.E. Church, or to worship anywhere aside from Pleasant Spring Church. Rather, Appellants testified time and again that their intent and understanding of the disaffiliation process was to disaffiliate as a single church body from the A.M.E. denomination, and to continue on at Pleasant Spring as a nondenominational church. Appellants testified that the members who voted for disaffiliation continued to attend services at Pleasant Spring until the national Church instituted the current litigation and obtained a temporary injunction preventing them from protesting the A.M.E. Church's continued presence following disaffiliation by

attending but not participating in A.M.E. run services at Pleasant Spring. All of Appellants witnesses testified they remained members of Pleasant Spring Church and had not formed or joined a “new” church. Rather, Appellants maintain that by a majority vote with no initial dissension, Pleasant Spring AME Church separated itself from the A,M.E. denomination and thereafter changed its name to exclude the A.M.E. designation.

Respondents challenged the validity of the meetings and voting procedures with respect to the disaffiliation. First, Respondent’s assert that Appellants failed to follow procedures set for in the A.M.E. Discipline with respect to who may call a Church meeting and the manner in which Church meetings are to be announced. Specifically, Respondent’s alleged that only the Pastor was authorized to cause to a meeting of the congregation for purposes of conducting church business to be called, and Rev. Reeves did not call or approve any of the meetings regarding disaffiliation.

Respondents also took the position that because formal minutes from the meetings were not provided, there is no way to ascertain whether Appellants actually made adequate attempts to contact and advise every member of Pleasant Spring A.M.E. Church as to the times and dates of the meetings. Moreover, Respondents assert that even if all of the voting members were notified of the meetings regarding disaffiliation, the meetings themselves as well as any resulting votes were not conducted in accordance with the procedures set forth in the A.M.E. *Discipline* and, as such, cannot be deemed to have successfully effectuated a disaffiliation. Respondents further tok the position because the A.M.E. Discipline does not provide any means for an entire church body to disaffiliate from the A.M.E. denomination, no such disaffiliation can ever occur so long as even a single member remains loyal to the A.M.E. denomination.

4. The number of church members that signed the petition to separate from the A.M.E. Church.

Appellants contend that a clear majority of the church congregation petitioned to separate from the A.M.E. Church. Respondents assert the record does not adequately establish the exact number of votes to disaffiliate. While a great deal of testimony was offered regarding the number of votes to disaffiliate, this Court finds that at least 70 out of 103 members in good standing of Pleasant Spring A.M.E. Church did in fact vote in favor of disaffiliation.

On April 23, 2014, the A.M.E. Church leadership, including Rev. Reeves, received a letter from members of Pleasant Spring Church notifying them of the congregation's decision to separate from the national A.M.E. Church. The letter included a list of signatures of persons purporting to separate from the A.M.E. Church. At trial, Patricia Corley and Darlene Rikard, organizers of the disaffiliation meetings, testified that after the April 23, 2014 meeting, and after the commencement of this litigation, members continued to vote on whether they wished to disaffiliate from the AME denomination, and that the final number of members who voted in favor of disaffiliation either by signing the petition, providing an affidavit in support of disaffiliation, or both, was either 75 or 76 persons, not counting retractions. {R. 414, 457} Ms. Corley and Ms. Rikard indicated that the tabulation contained in their respective affidavits, that being 63 out of 103 in favor of disaffiliation, accounted for any retractions that had been submitted at the time she completed her affidavit.

Rev. Marion Reeves testified that after this litigation was commenced, several persons contacted him and told him that they wished to withdraw their signature. Respondents submitted, without objection, 13 identical statements from members indicating they had

signed the petition but wished to withdraw their original vote. {Respondent's Exhibit 5}

Ironically, Appellants assert Respondents' Exhibit 4 is very instructive in resolving the dispute as to reaching a determination as to the number votes cast in favor of disaffiliation. Respondents' Exhibit 4 consists of an April 30, 2014 letter to the A.M.E. Church announcing the majority vote to disaffiliate, together with an attached list of 70 signatures. Neither party disputed the authenticity of any of the signatures on the submitted list. Further, although Respondents raised concerns as to whether the purpose of the signatures was fully explained to the signatories, Respondents did not offer the testimony of anyone who indicated that a document was simply presented to them for their signature without any explanation or understanding that their signature indicated their assent to disaffiliation from the A.M.E. denomination. Rather, the renunciation statements, as well as the trial testimony of Respondents' witness Ms. Martin, establish that the retracting members changed their minds after learning Respondents' disputed version of the *consequences* of disaffiliation. In any event, as set forth below, the number of retractions made due to any initial misunderstanding as to the purpose of the petition is entirely discernable. Accordingly, this Court should accept the corroborated testimony that at least 70 members of the 103 members of Pleasant Spring's congregation at the time voted in favor of disaffiliation.

Likewise, Respondents' Exhibit 5 is instructive in determining the number of retractions made. Respondents' Exhibit 5 consists of 13 signed statements indicating withdrawal of support for disaffiliation. These statements were offered into evidence by Respondents without objection from Appellants. Accordingly, it is evident that only 13 members retracted their vote in favor of disaffiliation.

In light of the facts set forth above regarding votes in favor of disaffiliation, it is unquestionably clear that accounting for retractions, at least a 57 to 46 majority voted in favor of disaffiliation.

STANDARD OF REVIEW

Declaratory judgment actions are neither legal nor equitable and, therefore, the standard of review depends on the nature of the underlying issues. *Doe v. South Carolina Medical Malpractice Liability Joint Underwriting*, 347 S.C. 642, 645, 557 S.E.2d 670, 672 (2001). Generally, an action to quiet title is one in equity. *Fox v. Moultrie*, 379 S.C. 609, 613, 666 S.E.2d 915, 917 (2008). However, when the defendant's answer raises an issue of paramount title to land, such as would, if established, defeat plaintiff's action, the issue of title is legal. *Dargan v. Tankersley*, 380 S.C. 480, 483, 671 S.E.2d 73, 74 (2008). Therefore, in a case tried without a jury, the factual findings of a judge regarding title will not be disturbed on appeal unless found to be without evidence which reasonably supports the judge's findings. *Townes Assoc., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976). This scope of review is equally applicable to the factual determinations of a master when, as in the present case, he enters final judgment. *May v. Hopkinson*, 289 S.C. 549, 554-55, 347 S.E.2d 508, 511 (Ct. App. 1986).

IV. LEGAL STANDARD

In resolving property disputes among churches within the confines of the First Amendment to the United States Constitution, South Carolina courts are to apply neutral principles of law as outlined by the United States Supreme Court in *Jones v. Wolf*, 443 U.S. 595 (1979). See *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of South Carolina*,

385 S.C. 428, 685 S.E.2d 163 (2009)(“ We hereby explicitly reaffirm that, when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law approach as approved by the Supreme Court of the United States in *Jones v. Wolf*, 443 U.S. 595 (1979), and expressed by this Court in *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996)”).

The All Saints Court explained the neutral principles of law approach as follows:

A clear recitation of the neutral principles of law approach as adopted by this Court was enunciated in *Pearson v. Church of God*. In *Pearson*, we articulated the rule that South Carolina civil courts must follow when adjudicating church dispute cases. We reaffirm and more fully explain this rule here. The *Pearson* rule provides:

- (1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration;
- (2) courts cannot avoid adjudicating rights growing out of civil law;
- (3) in resolving such civil law disputes, courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

325 S.C. at 53, 478 S.E.2d at 854.

The *Pearson* rule establishes that where a civil court can completely resolve a church dispute on neutral principles of law, the First Amendment commands it to do so. Nonetheless, where a civil court is presented an issue which is a question of religious law or doctrine masquerading as a dispute over church property or corporate control, it must defer to the decisions of the proper church judicatories in so far as it concerns religious or doctrinal issues. *See Serbian Eastern Orthodox Diocese*, 426 U.S. at 709 (finding that the controversy before the Court essentially involve[d] not a church property dispute, but a religious dispute the resolution of which is for ecclesiastical and not civil tribunals.”).

All Saints, at 444-45, 685 S.E.2d at 172.

Under the neutral principles of law approach, the court’s initial inquiry must be into whether the property dispute will require the court to decide issues of religious law, principle, doctrine, discipline, custom, or administration, in which case the dispute would be deemed ecclesiastical in nature and require deference to the appropriate ecclesiastical authority. However, if the court finds

that the dispute is not a question of religious law or doctrine, then the court employs the “holistic” analysis necessary for the proper application of the neutral principles of law approach.

The United States Supreme Court in Jones explicitly provided that state courts should use “well-established concepts of trust and property law familiar to lawyers and judges” to resolve disputes, “thereby promis[ing] to free civil courts completely from entanglement in questions of religious doctrine, policy, and practice.” 443 U.S. at 603-04. The Jones Court recognized that in resolving church dispute under the neutral principles of law approach, civil courts must necessarily look to religious documents such as church constitutions, deeds, corporate charters, or the constitution of the general church, but cautioned that “inundertaking an examination of religious documents, such as a church constitution, a civil court must take special care to scrutinize the documents in purely secular terms.” Jones, 443 U.S.at 604.

Pursuant to the “neutral principles of law” approach articulated in the South Carolina Supreme Court’s decisions in Pearson and All Saints, “ownership of disputed property is determined by applying generally applicable law and legal principles. That application will usually include considering evidence such as deed to the properties, terms of the local church charter (including articles of incorporation and [bylaws], if any), and relevant provisions of governing documents of the general church.” Protestant Episcopal Church, 421 S.C. at 272, 806 S.E.2d at 114 (2017) (Toal, J., dissenting). An examination of the secular provisions of church documents is akin to examining a corporation’s bylaws to determine the legitimacy of a corporate action. All Saints, 385 S.C. at 450, 685 S.E.2d at 175.

Accordingly, civil courts must take a comprehensive approach in resolving church disputes, to include a neutral examination of the secular and civil provisions of church documents such as the church constitution and bylaws. Id. Such examination does not require that courts resolve disputes of religious doctrine, but that courts consider the processes and procedures in which a church transacts business. Id.

V. ANALYSIS AND ARGUMENTS

Turning first to the first initial inquiry necessary to this Court's adjudication of this matter, Appellants posit that this dispute does not arise out of doctrinal differences between the national A.M.E. Church and Pleasant Spring Church, and to the extent the Master in equity found differently, he did so in error. Here, the testimony of witnesses for both Respondents and Appellants at trial was that the schism developed over financial matters, not religious doctrine or polity. No evidence was offered, nor any argument made, indicating that doctrinal issues, such as the Churches' stance on same sex marriages, or polity, such as whether a different minister should have been appointed to the local church, prompted the decision to disaffiliate. Further, Respondents' concede that the trust provisions in the Discipline declaring local church property being held in trust for the national A.M.E. Church are inapplicable to this matter. Accordingly, under the facts and circumstances of this case, absolute deference to the ecclesiastical authority is neither required nor permissible here. Rather, the issues presently before the Master in Equity should have been determined through an examination and application of neutral principles of law. On appeal, this Court should correct any error in the Master in Equity's application of the correct legal standard of analysis to exclude undue deference to the national A.M.E. Church.

- I. The court erred in failing to find that Pleasant Spring Church, without regard to its affiliation to or disaffiliation from the A.M.E denomination, is rightful and exclusive owner of all church property in dispute and, thus, is entitled to exclusive use and possession of the property.

As more fully discussed below, Pleasant Spring Church is the rightful owner of the church property in dispute under both paper title and adverse possession theories.

- A. The Master in Equity Erred in Failing to find the 1873 Fatally vague and ambiguous, and thus legally incapable of conveying legal title to Sanctuary Property

Respondents' 1873 Deed is fatally vague and ambiguous, and testimony offered by Respondents' expert falls short of adequately resolving or explaining those ambiguities. The trial court erred in making contrary findings with respect to the 1873 Deed and the sanctuary property.

In South Carolina, the process of interpreting deeds is the same as the process applicable to interpreting contracts, with the cardinal rule of construction being to ascertain the intent of the parties. As a general rule, the construction of a clear and unambiguous deed is a question of law for the court, to be resolved without resort to extrinsic evidence. Gardner v. Mozingo, 293 S.C. 23, 25, 358 S.E.2d 390, 392 (1987); 23 Am.Jur.2d Deeds 192 (2002).

Deeds are construed to determine the intent of the parties. To construe a deed, a court looks first at the language of the instrument because the court presumes it declares the intent of the parties. When, and only when, the meaning of a deed is not clear, or is ambiguous or uncertain, will a court resort to established rules of construction to aid in the ascertainment of the grantors intention by artificial means where such intention cannot otherwise be ascertained.

23 Am.Jur.2d Deeds 192 (2002). [I]f the language of the deed is unambiguous, then its interpretation is a question of law to be resolved by the reviewing court without resort to extrinsic evidence. Id. See also Klutts Resort Realty, Inc. v. Down'round

De. Corp. 268 S.C. 80, 89, 23 S.E.2d 20, 25 (1977) (holding that a court will not examine extrinsic evidence to interpret a contract absent an ambiguity). Where, on the other hand, the vital terms of a contract are ambiguous, then, in an effort to determine the intent of the parties, the court may consider probative extrinsic evidence. South Carolina Dept. of Nat. Resources v. Town of McClellanville, 345 S.C. 617, 550 S.E.2d 299 (2001).

A contract is ambiguous if it is capable of being understood in more senses than one, is obscure in meaning, through indefiniteness of expression, or having a double meaning. Carolina Ceramics, Inc. v. Carolina Pipeline Co., 251 S.C. 151, 155-56, 161 S.E.2d 179, 181 (1968)(citation omitted). Where a contract is ambiguous, the question of the parties' intent is a question of fact for the trier of fact. Hawkins v. Greenwood Dev. Corp., 328 S.C. 585, 592, 493 S.E.2d 875, 878 (Ct. App. 1997).

In the instant case, Respondents' 1873 deed is unquestionably ambiguous on its face with respect to its intended grantees. First, the 1873 Deed names several "trustees of the AME church" as grantees. However, the deed fails to specify whether the property is being transferred to a local A.M.E. congregation or whether it is being transferred to the national A.M.E. Church. Next, although the Respondents allege the deed transfers interest to Pleasant Spring AME Church, there is no mention of Pleasant Spring A.M.E. Church anywhere in the document. At trial, Respondents offered no evidence independent of the 1873 Deed itself, establishing that the trustees named as Grantees were in any way connected to what came to be Pleasant Spring A.M.E Church. In the absence of extrinsic evidence establishing some connection between the 1873 Deed grantees and Respondents, the failure of the instrument to name the party currently claiming to hold interest in the property constitutes a major unresolved ambiguity in the

instrument.

Moreover, the property description in the 1873 Deed is inadequate to identify any specific piece of property, let alone the specific property where Pleasant Spring Church sits today. The 1873 deed refers to a 2-acre tract of land lying somewhere on the road to Union Chapel Church. There is no evidence, let alone any undisputed evidence, indicating that the “road to Union Chapel Church” is or was historically adjacent to the property where Pleasant Springs Church sits today. Respondents’ expert admitted at trial that she was unable to locate Union Chapel Church, but instead made certain assumptions in arriving at her opinion that the 2 acres conveyed in the 1873 Deed is the same plot of land where the Pleasant Spring Sanctuary sits today. Essentially, rather than offer evidence resolving the deed ambiguities, Respondents were resigned to settle with arguing that the 1873 Deed was not demonstrably inconsistent with being the same as the Sanctuary Property. Appellants are correct in their assertion that a lack of evidence establishing that the 1873 Deed is inconsistent with Respondents’ theory does not equate with presenting extrinsic evidence resolving the ambiguity in Respondents’ favor.

Further, while the testimony offered by John Corley, Jr. with respect to his research on the historical location of Union Chapel Church may not have been dispositive of the issue, his testimony was, the very least, illustrative that the ambiguities effecting the 1873 Deed remain unresolved. Mr. Corley’s testimony that the “road to Union Chapel Church” referenced in the 1873 Deed is actually present day Wescott Road is at least as persuasive as any other theory advanced on this issue. More importantly, Mr. Corley’s testimony convincingly establishes the impossibility of pinpointing the actual location of the land described in the 1873 Deed in the absence of proof as to where the “road to Union Chapel Church” was located. The fact that

extrinsic evidence resolving deed ambiguities is not readily available, even after a diligent search, does not relieve Respondents of the burden of either presenting a legally sufficient deed or offering extrinsic evidence sufficient to allow the Court to resolve the ambiguity.

In light of the unresolved insufficiencies evident in the 1873 Deed, the Master in Equity erred in failing to find that the Deed is fatally defective and cannot be held to have transferred legal title to the property at issue.

B. The Master in Equity Erred in failing to find all disputed property is properly titled to Pleasant Spring Church under all applicable legal theories.

Contrary to the Respondents assertions, the evidence in the record supports the Appellants' allegation that Henry J. Corley owned the subject project, such that the 1971 deed presented by the Appellants effectively transferred legal title to the 2.7 acres of Property to Pleasant Springs Church, the named Grantee.

Reputation testimony concerning land boundaries and customs affecting land is an exception to the hearsay under Rule 803(20), South Carolina Rules of Evidence, where testimony relates to reputation in a community arising before the controversy and involves boundaries of or customs affecting lands in the community, reputation as to events of general history important to the community or State or nation in which the property is located. See, County of Darlington v. Perkins, 269 S.C. 573, 577, 239 S.E.2d 69, 71 (1977) (noting that it is generally held that reputation is admissible to prove matter of general and public history).

Appellants presented the testimony of several witnesses regarding the belief in the community that Henry J. Corley owned the property and donated the property to the church.

Specifically, John Corley, Jr., Ms. Mackey, and Ms. Rikard, descendants of Henry J. Corley, testified that they were told all of their life that their great-grandfather owned the property and donated it to the church. Likewise, Respondents' witnesses Rev. Marion Reeves, Walter Savage, and Shirley Martin testified that it was their understanding that Henry J. Corley owned the disputed property and donated it to Pleasant Spring Church for the construction of its Sanctuary.

As to Henry J. Corley's ownership of the disputed property, this court should consider as particularly persuasive the following: uncontradicted evidence that he owned all of the properties surrounding the Church Property; undisputed evidence establishing Henry J. Corleys' connection to Pleasant Spring Church; and the fact that the Church's own institutional knowledge included recognition that the disputed property was donated by Henry J. Corley. Moreover, Henry J. Corleys' ownership of the disputed property is entirely consistent with the numerous deeds entered into evidence establishing multi-acre transfers of property in the area immediately surrounding the Sanctuary and Cemetery.

Appellants urge this Court to specifically reject Respondents' argument that the evidence presented at trial showed that the Sanctuary Property existed as a separately owned parcel of land as shown by property transfers described by plats and deeds during Henry J. Corley's lifetime and after his death, prior to 1971. It goes without saying that a designation on a plat in no way establishes legal title in the party designated as the owner of the property on the plat. As well, the designation of the disputed property as Pleasant Spring A.M.E. Church Property is entirely consistent with the fact that at the time each of the referenced instruments was prepared, the Sanctuary building and Cemetery were literally occupying the land.

Based on the above, this Court should find that Henry J. Corley owned the disputed

property, such that the 1971 deeds from his heirs effectively and legally conveyed the property to Pleasant Spring Church.

As a separate and independent ground of ownership, Pleasant Spring Church, has good title to the Sanctuary property based on its exclusive possession of the property for a 40- year period pursuant to S.C. Code Ann. § 15-3-380. This statute sets forth the following:

No action shall be commenced in any case for the recovery of real property or for any interest therein against a person in possession under claim of title by virtue of a written instrument unless the person claiming, his ancestor or grantor, was actually in the possession of the same or a part thereof within forty years from the commencement of such action. And the possession of a Appellant, sole or connected, pursuant to the provisions of this section shall be deemed valid against the world after the lapse of such a period.

As set forth above, the 1971 Deeds presented by Appellants conveyed legal title to Pleasant Spring Church. From 1971 until 2014, a period of 43 years, Pleasant Spring Church's status of owner of the property went unchallenged. To the extent that the members of Pleasant Spring Church presently or have historically aligned themselves with the national A.M.E. Church, the use of the property as an A.M.E. Church was permissive in nature. This 43 year time period satisfies the 40-year requirement of the statute. See Woods v. Bivens, 292 S.C.76, 35 S.E.2d 909 (1987) (finding that fee simple title vested in the original landowner's daughter-in-law under both the 40-year lapse statute and 20-year presumption of grant where the daughter-in-law controlled and enjoyed peaceful possession of the property for 45 years after the landowner's death).

Here, Pleasant Spring Church has satisfied the provisions of S.C. Code Ann. § 15-3-380, and therefore, is entitled to ownership of the Sanctuary Property, and the Master in Equity erred in

failing to find as much.

C. The Unimproved Property

Pleasant Spring Church is the lawful owner of the Unimproved Property pursuant to the 1993 Deed. It is undisputed that in 1993, the church was a connectional member of the A.M.E. Church and worshipped as a local congregation under the name Pleasant Spring A.M.E. Church. However, as Respondents have conceded, the national A.M.E. Church is not claiming ownership interest in the Church property. The 1993 Deed vests title to the Unimproved Property to Pleasant Spring Church, regardless of its historical or current affiliation with the A.M.E. denomination. Whether or not the Church remains affiliated with the A.M.E. denomination is an issue separate and apart from the local Church's ownership of the property. Again, any use of the local Church's property to conduct A.M.E. services has been permissive in nature. Even permitting such use of Church property for an extended period of time cannot be said to divest the local Church of its property ownership. The Master in Equity erred in failing to reach this finding.

D. The Fellowship Hall Property

The 2003 Deed conveyed the Fellowship Hall Property to "Pleasant Spring Church." This deed is clear and unambiguous on its face. As such, contrary construction is neither necessitated nor permissible. Klutts Resort Realty, Inc. v. Down'round De. Corp. 268 S.C. 80, 89, 23 S.E.2d 20, 25 (1977) (holding that a court will not examine extrinsic evidence to interpret a contract absent an ambiguity). The Master in Equity erred in reaching conclusions of law opposite to the clear precedent applicable to this issue.

II. THE MASTER IN EQUITY ERRED IN DETERMINING THE LEGAL EFFECT OF THE 1971 AND 2014 DISAFFILIATIONS FROM THE AME DENOMINATIONS

1971 Disaffiliation

The issue of whether Pleasant Spring Church had “officially” separated from the A.M.E. denomination at the time the 1971 Deeds were executed is not dispositive as to the issues presented herein. *McDaniel et al. v. Connor et al*, 206 S.C. 96, 100 (S.C. 1945) (“As has many times been said, the governing principle in the construction of deeds is that the intention of the grantor, if consistent with law, shall govern. ”) It is evident from the testimony of Appellants’ witnesses, as well the referenced news article, that there was a deliberate intention for Pleasant Spring Church to exert ownership and control over the possession and use of church property to the exclusion of the A.M.E. National Church during the relevant time period. The fact that the Grantors of the 1971 Deeds named Pleasant Spring Church as the intended Grantee, with no mention of any affiliation with the A.M.E. National Church at a time when the Church’s affiliation status was issue, convinces this Court that the 1971 Deed is unambiguous in its intent to transfer property exclusively to the local Church to the exclusion of the National AME Church. Moreover, this Court is convinced that insofar as the Grantors and Grantee of the 1971 deed were concerned, Pleasant Spring Church existed as a legal entity capable of receiving title to the donated property, and no competing entity existed at the time that could have been confused with Pleasant Spring Church.

2014 Disaffiliation

The parties agree that *The Discipline* is the governing authority of local A.M.E. churches, to include Pleasant Spring Church for so long as the congregation remains affiliated with the A.M.E. Church. *The Discipline* contains provisions regarding the calling of meetings and transferring of property. *The Discipline* provides that “[t]he pastor shall call and preside over all . . . meetings for the transaction of spiritual and temporal business.” Importantly, however, *it is undisputed that the Discipline is silent on the issue of disaffiliation*. Based on the absence of a formal procedure for disaffiliation, this Court should reject Respondent’s arguments that the meetings and voting regarding the 2014 disaffiliation should be disregarded due to the Appellants failure to follow the formal and customary procedures set forth in *The Discipline*. Respondents concede that the Discipline is silent as to procedures applicable to disaffiliation. Appellants simply cannot be held to the impossible standards of complying with procedures that do not exist to accomplish a right of action which absolutely does exist.

Likewise, this Court should not be persuaded that in the absence of rules specifically governing proper procedures for disaffiliation, the Pleasant Spring congregation was obligated to follow general procedures contained in the Discipline in order to properly convene a meeting in the face of repeated refusals by A.M.E. authorities to make those procedures available to Appellants. Respondent’s offered no evidence contradicting Appellants account that Elder Smitty made it abundantly clear that no meetings or even discussions regarding possible disaffiliation could be had on Church property without the participants facing instant revocation of their membership and loss of office. Respondents’ also did not offer testimony to contradict Mr. Corley’s account that previous interactions with Rev. Reeves regarding

possible disaffiliation resulting in Mr. Corley understanding that Rev. Reeves would never call such a meeting.

As to the petition itself, Respondents assert that the petition was blank and does not identify the purpose of the petition or explain how each person's signature would be used. Patricia Corley testified that a letter detailing the purpose of the petition was attached to the signature sheet. Specifically, Ms. Corley testified that a letter which was originally attached to the petition indicated that signatures would signify agreement with the Church's decision to disaffiliate from the A.M.E. denomination. Ms. Corley denied that the letter attached to the petition contained any indication that disaffiliation would involve withdrawing anyone's membership from Pleasant Springs Church and/or starting a new, separate Church. To the contrary, Ms. Corley indicated that the "plan was to leave the A.M.E. [and] maintain our services there at 111 Pleasant Spring Court. We had no intention on the leaving the property."

Although there is some question as to whether the letter originally attached to the signature sheets was inadvertently omitted or replaced in Appellants' discovery responses with the cover letter provided to the A.M.E. authorities following the vote to disaffiliate, the testimony of Ms. Corley indicating that such a letter was prepared and attached to the original petition signature sheets is extremely credible and uncontroverted by witnesses at trial. There was no testimony offered by any of the Respondents' witnesses that anyone was purposefully or inadvertently deceived or misled to believe that their signature on the petition would signify their agreement to something other than the proposed disaffiliation. Likewise, no testimony was offered indicating that anyone was simply presented with a blank signature

sheet and asked to affix their signature to it without being given any information as to the purpose of the petition. Even Ms. Martin, Respondents' only witness to offer testimony about signing then retracting her signature from the petition, testified that she attended at least one meeting and was familiar with the purpose of the petition being disaffiliation from the A.M.E. Church. Ms. Martin testified she withdrew her signature from the Petition only after she became uncertain as to how her signature was being used after this litigation was commenced. According to her testimony, she was advised, (falsely according to all of Appellants' witnesses), that her signature was being used to force other members out of Pleasant Spring Church and that she herself would be prohibited from continuing to worship at the Pleasant Spring sanctuary. Likewise, the affidavits of the other members who retracted their votes do not indicate they were deceived or received no information regarding the affidavit before signing it; rather, the retracting affidavits all indicate that the members were given information after this litigation commenced that indicated their votes were being used to force people out of Pleasant Spring Church.

Neither should this Court be convinced by Respondents' assertions that Appellants should have followed procedures set forth in The Discipline for the transfer of property, since this matter does not involve a transfer of property from one party to another. As set forth hereinabove, Pleasant Spring Church did not lose its identity as a legal entity by virtue of the majority church members deciding they no longer wished to be affiliated with the A.M.E. denomination.

Moreover, Respondents' position that this Court is required to defer to the ecclesiastical authorities to determine the rightful owner among the dissenting "factions"

is untenable. As noted, by our Supreme Court, the “deference” approach is only applicable in cases involving doctrinal disputes. As set forth above, the dispute here is not doctrinal. As such, the deferential approach adopted by the Master in Equity constituted a misapplication of the relevant legal standards governing similar disputes.

Clearly, a majority of the members of the Pleasant Spring Church did in fact vote in favor of disaffiliation as part of the congregation’s 2014 efforts to extricate itself from the A.M.E. denomination, and Appellants assert that the disaffiliation should therefore have been deemed effective. However, it is also apparent that the voting process was fraught with a degree of confusion stemming from the then-unresolved issue as to property ownership rights, the non- existence of directives within the *Discipline* as to church disaffiliation, and the refusal of the A.M.E. authorities to address the issue of disaffiliation. Accordingly, as an alternative to entering a finding that disaffiliation was properly accomplished by a majority vote of the Pleasant Spring Congregation, this Court should order that the membership of Pleasant Spring Church, as it existed immediately before the 2014 disaffiliation efforts, should reconvene on the issue of the manner in which concerns pertaining to disaffiliation are to be addressed and, if the parties were unable to agree upon an appropriate means of moving forward, either would be granted leave to seek judicial guidance, intervention, and/or direction from the Master in Equity who heard the matter below.

IX. CONCLUSION

For all of the foregoing reasons, the decision of the Master in Equity should be reversed.

Respectfully submitted,

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